

## REMARKS

### Summary

Claims 1-15, 20-22, 32-37, 40-43 and 46-49 were pending in this application. Claims 1-5, 8, 20, and 46 have been amended, Claims 9-15, 21-22, 33, 35-37, 40-43 and 48 cancelled, and Claims 50-74 added. Claims 1-8, 20, 32, 34, 46-47, and 49-74 are pending. No new matter has been added as a result of this amendment.

### Interview Summary

Applicants thank the Examiner for the personal interview conducted on May 8, 2007 between the Examiner and Applicants' attorney, Anthony P. Curtis, Reg. 46,193. In the interview, the Examiner and Applicants' attorney discussed the differences between the application and the cited references, as well as various manners in which the claims could be rewritten to overcome the rejections.

### 35 U.S.C. §102(b)/103(a) Rejection of Claims

Claims 1-5, 8-12, 15, 20-22, 32-40 and 47-49 were rejected under 35 U.S.C. §103(a) as being obvious over Wheeler et al. (U.S. Patent 5,758,003; "Wheeler") in view of Douglas et al. (U.S. Patent 6,819,857; "Douglas"). Claims 6-7, 13-14 and 44-46 were rejected under 35 U.S.C. §103(a) as being obvious over Wheeler in view of Douglas and further in view of Larsen et al. (U.S. Patent 6,365,834; "Larsen"). Claims 41-43 were rejected under 35 U.S.C. §103(a) as being obvious over Wheeler in view of Douglas and further in view of Solheid et al. (U.S. Patent 6,532,332; "Solheid"). Applicants traverse the rejections for at least the reasons presented in the last response as well as additional reasons. However, Applicants have amended Claims 1-5, 8, 20, and 46 and submit that the pending claims are further patentable over the cited references.

Claim 1 recites a rack that comprises, *inter alia*, a frame and a pass-through tray mounted on the frame. The tray has a base and sidewalls defining a front-to-back channel in a center of the tray. The front-to-back channel routes cables between the front side and the rear side of the rack. At least one upstanding spool is disposed substantially at a center of the tray. The width of the front-to-back channel is substantially constant along a length of the front-to-back channel.

The width is large enough to permit the cables to pass between the spool and portions of the sidewalls of the front-to-back channel opposing the spool.

In the previous response, Applicants argued that neither Wheeler nor Douglas, alone or in combination, discloses a pass-through tray having a spool. The Advisory Action indicated that because a cable is not part of the claimed invention, the combination of references need only be capable of supporting a cable in the manner claimed. In addition, the Advisory Action indicated that Douglas is only relied upon for its showing of the spool, not for its capability of cable routing or any other purpose. However, this overlooks the teachings of the references. The Office Action appears to be focused on a single element from one reference, placing it into an entirely different environment of another reference. As stated in MPEP 2141.02, each reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Douglas teaches a means for storing excess cable. However, Douglas does not merely teach that a wheel used to store the excess cable is on a planar surface; Douglas's surface is a tray that has specific characteristics (e.g. placement on a side of the rack, pivotability for access, layout). Wheeler teaches a tray on the rack for a completely different purpose: to route cables. There are separate spools to store excess cable length in Wheeler. "More storage is better" is not enough to pluck only a single element, the wheel, from Douglas's entire arrangement and place it into an entirely different location, Wheeler's tray, which is used for a different purpose. For example, if Douglas's wheel is disposed on Wheeler's tray there is no indication of how the bend radius is to be limited for fibers thus stored. Nor is there mention of the detrimental effects of storing cables in the middle of the tray on the actual purpose of the tray (to route cables) or how cables may be stored on the wheel with multiple cables running around the wheel within the limited amount of space available on the tray. In addition, Douglas teaches that the purpose of putting the pivotable storage unit on the side of rack is to permit better access (similarly, Wheeler's storage is on the front of the rack). Placing a storage wheel on Wheeler's tray would not render it easily accessible to a technician, as Douglas requires. For numerous reasons, putting Douglas's wheel on Wheeler's tray is in opposition to MPEP 2143.01, which states that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then

there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Accordingly, Claim 1 is patentable over the cited references.

However, Applicants have rewritten Claim 1 to further recite that the pass-through tray has a front-to-back channel in a center of the tray. The width of the front-to-back channel is substantially constant along a length of the channel and is large enough to permit the cables to pass between the spool and portions of the sidewalls of the channel opposing the spool. None of the cited references anticipate or suggest such an arrangement. Accordingly, Claim 1 is further patentable over the cited references.

Claim 20 recites a multiple-rack system in which each of the racks has, inter alia, a pass-through tray. The tray has a front-to-back channel in a center of the tray and a rear channel adjacent to and extending substantially perpendicular to the front-to-back channel. The rear channel has a trough that is connected to a base of the front-to-back channel and a rear wall opposite the base. At least one upstanding spool is disposed at a center of the tray. A width of the front-to-back channel is substantially constant along a length of the front-to-back channel and is large enough to permit cables to pass between the spool and portions of sidewalls of the front-to-back channel opposing the spool. Opposing openings at ends of the rear channels of trays of adjacent racks are connected together such that the rear channels are contiguous.

In addition to the reasons given above for Claim 1, none of the cited references anticipates or suggests a multiple-rack system having the further elements of Claim 20. Accordingly, Claim 20 is further patentable over the cited references.

As Claims 1 and 20 are patentable, Claims 2-8, 32, 34, 46-47, and 49-74 are patentable, without more.


## **Conclusion**

Applicants submit that the pending claims are in condition for allowance. If the Examiner believes that a telephone interview would be desirable to clear up further issues, the Examiner is encouraged to contact the undersigned at the telephone number below. Applicants herein petition for any extension of time necessary for the submission of this response. The Commissioner is authorized to charge the three-month extension fee, less the one-month extension fee paid for the response filed on April 12, 2007, as well as any other fee deemed

necessary for the submission of this response, except the issue fee, to Deposit Account Number 16-0228.

Respectfully submitted,

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